



## **WaterWatch of Oregon**

### **Protecting Natural Flows In Oregon Rivers**

#### **HB 3806**

#### **Testimony of WaterWatch of Oregon**

by Kimberley Priestley

**House Committee on Agriculture, Natural Resources, Land Use and Water**  
**March 12, 2025**

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

**WaterWatch is neutral on HB 3806 if the forthcoming bill amendments retain the instream flow benefit requirements and strengthen the bill's checks and balances to ensure accountability within the bank as well as no harm to fish and wildlife and scenic waterway values.**

WaterWatch of Oregon has been working to protect streamflows and aquifers in the Deschutes River basin for nearly 40 years. We have been a member group of basin specific policy taskforces, rules advisory committees, legislative workgroups and basin collaboratives.

WaterWatch has been part of the multi-stakeholder group negotiating this bill.

WaterWatch is neutral on the bill: HB 3806 introduces some new provisions of law that have previously not been allowed in Oregon, including the split rate and split duty movement of water. Key to discussions on the Deschutes Bank concept is the principle that in exchange for this flexibility there must be instream flow benefits from bank transactions, as well as no harm to existing flow restoration efforts. Provisions to address these keystone principles are in the bill; without them WaterWatch would oppose the bill.

Forthcoming amendments will also add and/or refine additional checks and balances to ensure that water deposited in the bank is water subject to transfer (e.g. "wet" water), that consumptive use in the basin will not increase, that irrigated acres beyond underlying District rights will not increase, that the Confederated Tribes of the Warm Springs Reservation and the Oregon Department of Fish and Wildlife have a key role in ensuring that fish and wildlife and other instream values are not negatively impacted by the bank, as well as other accountability measures. WaterWatch is supportive of these amendments as they are critical to ensuring the intent of the program is carried forward.

Importantly, the bill is limited to a pilot project, with checkpoints throughout to allow agencies, tribes, stakeholders and the public to assess whether the flexibility granted under the bank meets the intended outcome of benefiting fish and wildlife, agricultural and municipal needs, while at the same time ensuring no harm to other water right holders or flows needed for fish and wildlife and scenic waterways.

Thank you for your consideration of our comments.

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